

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 1021 of 2018**

- Vinod Kumar Dhiver Aged About 48 Years President Jai Bhairo Baba Machua Sahkari Samitti Ratanpur R/o Ratanpur District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

- Hori Singh S/o Tulsi Singh Aged About 51 Years Chief Municipal Officer, Nagar Palika Parishad Ratanpur District Bilaspur Chhattisgarh.

---- Respondent

For Petitioner	:	Mr. Shakti Raj Sinha, Advocate.
For Respondent	:	Mr. Anurag Singh, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****29/01/2020**

Heard

1. This contempt petition has been filed by the petitioner alleging willful disobedience of the interim order dated 11.05.2017 in WPC No.2817 of 2016.
2. Learned counsel for the petitioner submits that while vacating interim order, this Court left it open for the petitioner to rear fish and condition was imposed that they shall submit monthly account before Chief Municipal Officer of Municipal Council giving complete details of the quantity. However, it is argued, the respondent authority acted completely against the spirit of the order and started imposing conditions of submitting account even before rearing fish. In this manner, petitioner was not permitted to rear fish. It is also submitted that by misconstruing the spirit of the order, a committee was also constituted on 07.09.2018 to further complicate the process.
3. Learned counsel for the respondent submits that the respondent has highest regard for the authority and proceedings of the Court. He had no intention to flout the order of the Court. He, according to his own bona fide understanding of the order, directed the petitioner to submit account so that he could be permitted to rear fish. It is also submitted that later on, the respondent authority also allowed the petitioner to rear fish. Lastly, it is submitted that even if, it is found that there was some misunderstanding on the part of the

respondent authority in construing the order of the Court, an unconditional apology is being offered.

4. This Court, while vacating interim order passed in favour of the petitioner, left it open for the respondent therein to rear fish. The spirit of the order was that in case, the respondents choose to rear fish, they will have to submit their account in respect thereof before Chief Municipal Officer. There was no question of submitting any account even before rearing fish. The spirit of the order was that if respondents in the writ petition rear fish, the account thereof will have to be periodically submitted. The respondent has completely misconstrued the order of the Court. His understanding of the order of the Court, to say the least, is absolutely poor and this Court is surprised how he is occupying the post of Chief Municipal Officer when he is even not able to understand a clear order.
5. Be that as it may, taking into consideration that later on, the petitioner was permitted to rear fish, I am not inclined to proceed further in the matter.
6. The petitioner's prayer that appropriate direction be issued for allowing him to continue to rear fish, even now, cannot be given in this contempt petition. The petitioner, if so advised, may move appropriate application in the pending writ petition.
7. Respondent is warned to be careful and cautious in future in the matter of compliance of the judicial orders and it is expected that he would not be repeating the same mistake which was committed by him in misunderstanding the order of the Court.
8. Contempt petition is accordingly closed.

Sd/-
(Manindra Mohan Shrivastava)
Judge